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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,407	02/27/2004	Tony W. Mears	F012.PAT-12	5233

7590 12/07/2005  
Emery L. Tracy  
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EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/789,407

Applicant(s)

MEARS ET AL.

Examiner

Lars A. Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10,12-23,25-28,30,31 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15,25-28,30,31 and 34 is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9,16,17,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4-7,10,18-20 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



### DETAILED ACTION

1. An after-final amendment was received from the applicant on November 25, 2005.
2. Claims 11, 24, 29, 32 and 33 have been canceled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8, 16, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US 3,506,222).

Anderson discloses the same flotation device for maintaining an aircraft in a floating condition on a body of water as claimed, as shown in Figures 1-5, said flotation device being comprised of a plurality of flotation bladders, defined as Parts #23 and 24, that are mounted to an outer surface of an aircraft, as shown in Figures 2-5, and are independently and automatically inflatable by an inflation means, defined as Parts #27 and 28, where said flotation device provides additional buoyancy to said aircraft during a water landing, and is capable of being used during emergency landings on either land or water, as described in lines 54-57 of column 2.



Anderson also discloses the same method for maintaining an aircraft in a stable floating condition on a body of water as claimed, as shown in Figures 1-5, said method being comprised of the steps of mounting a plurality of flotation bladders, defined as Parts #23 and 24, to an outside surface of an aircraft, as shown in Figures 2-5, and independently and automatically inflating said flotation bladders, as shown in Figure 3, upon the need for an emergency landing on land or water, as described in lines 54-57 of column 2.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson.

Anderson, as set forth above, discloses all of the features claimed except for the use of a flotation bladder that has coloring and markings.

The use of a flotation bladder with coloring and markings would be considered by one of ordinary skill in the art to be an obvious means for making a flotation bladder more visible on a body of water, and to provide emergency distress or rescue messages.



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a flotation bladder with coloring and markings in combination with the flotation device as disclosed by Anderson for the purpose of providing a flotation means for an aircraft that is more visible on a body of water, and a means for communicating emergency distress or rescue messages.

***Allowable Subject Matter***

7. Claims 12-15, 25-28, 30, 31 and 34 are allowed.
8. Claims 4-7, 10, 18-20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-3, 8, 9, 16, 17, 21 and 22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

December 2, 2005

LARS A. OLSON  
PRIMARY EXAMINER

*Lars Olson*  
12/2/05